

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27-07-2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

WRIT PETITION No.20426 of 2015

Kairunisha

.. Petitioner

vs

1.The Additional Secretary
to Government of Tamil Nadu
Public (Political Pension II)
Fort St. George, Chennai 09.

2.The District Collector
Chennai District, Chennai

3.The Tahsildar, Tondiarpet,
Chennai District, Chennai 81.

.. Respondents

Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the first respondent to grant dependent freedom fighter pension payable on the death of the petitioner's father Sowkath Ali, pursuant to the representation dated 29.6.2015 given to the respondents within the stipulated time.

For Petitioner : Mr.T.Muruganantham

For Respondents : Mr.Rm.Muthukumar
Government Advocate

ORDER

By consent, the writ petition itself is taken up for final disposal.

2.The petitioner would state that she is a physically challenged person and her husband passed away leaving her and her children and they were under the care and custody of her father by name Sowgath Ali, who was a freedom fighter and was drawing freedom fighter pension, and her father passed away. The petitioner would further state that her mother predeceased her father and she has submitted a representation dated 29.6.2015, praying for continuance

of the payment of dependent pension and since she has not been favoured with any response, came forward to file this writ petition.

3. Heard the submissions of the learned Counsel appearing for the petitioner, and Mr. Rm. Muthukumar, learned Government Advocate, who accepted notice on behalf of the respondents and on instructions, would submit that the petitioner has to approach the second respondent with the following documents:-

- a. Applications in the prescribed format along with family details.
- b. Pension order issued to her father with respect of State Freedom Fighter Pension.
- c. Legal Heir Certificate.
- d. Death Certificates of her parents.
- e. No Objection Certificate issued by her brothers and sisters.
- f. Self attested full size photograph.
- g. Physically challenged certificate issued by Medical Officer from district head quarters Government Hospital.
- h. Records relating to existing pension if any received by the applicant.

4. It is the further submission of the learned Government Advocate that the second respondent on receipt of the same, has to forward a detailed report to the Government, and the Government after considering all the records and also taking into consideration the facts, have to be pass orders in this regard.

5. This Court, in the light of the above facts and circumstances, permits the petitioner to submit a reminder along with the above said documents, to the second respondent within a period of two weeks from the date of receipt of a copy of this order and the second respondent, on receipt of the same, is directed to consider it and pass appropriate orders in accordance with law, within a period of six weeks thereafter, and communicate the decision taken, to the petitioner. The writ petition is disposed of accordingly. No costs.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

nsv

To:

1.The Additional Secretary
to Government of Tamil Nadu
Public (Political Pension II)
Fort St. George, Chennai 09.

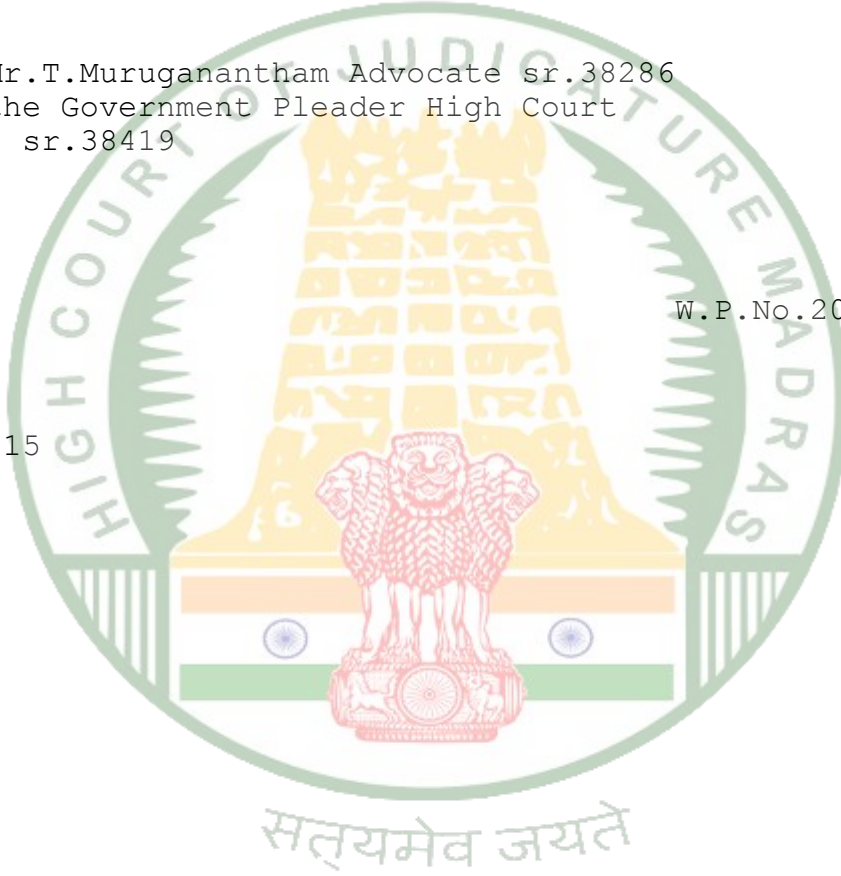
2.The District Collector
Chennai District, Chennai

3.The Tahsildar, Tondiarpet,
Chennai District, Chennai 81.

+1 cc to Mr.T.Muruganantham Advocate sr.38286
+1 cc to the Government Pleader High Court
Madras-104 sr.38419

W.P.No.20426 of 2015

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